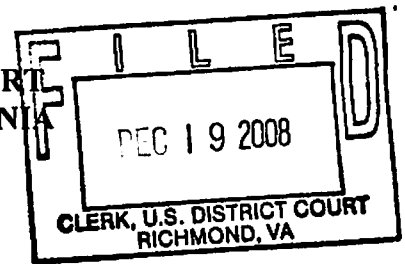


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION



**KENNETH M. JOHNSON,**

Plaintiff,

v.

Civil Action No. 3:07CV725

**NORFOLK CITY JAIL, et al.,**

Defendants.

**MEMORANDUM OPINION**

Plaintiff, a former Virginia prisoner, filed this action. The matter is before the Court on Plaintiff's failure to comply with the Court's directive to particularize his complaint.

Federal Rule of Civil Procedure 8(a) requires that a complaint contain "a short and plain statement of the claim." Fed. R. Civ. P. 8(a)(2). Federal Rule of Civil Procedure 8(d)(1) further requires that each averment "be simple, concise, and direct." Fed. R. Civ. P. 8(d)(1). Here, Plaintiff explains that he was assaulted at the Norfolk City Jail. Nevertheless, he fails to specify, as he must, exactly whom he wishes to name as defendants and identify the facts that support each particular defendant's liability.<sup>1</sup> As such, Plaintiff fails to give each "defendant fair notice of what the . . . claim is and the grounds upon which it rests." *Bell Atl. Corp. v. Twombly*, 127 S. Ct. 1955, 1964 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). Therefore, by Memorandum Order entered on November 7, 2008, Plaintiff was directed, within fifteen (15) days of the date of entry thereof, to particularize his complaint in conformance with the specific directions set forth in the Memorandum Order. Plaintiff has not responded to the November 7,

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<sup>1</sup> Plaintiff mentions the Sheriff's Department, the Norfolk City Jail, and Sheriff McCabe, but it is not clear whether he wishes to sue them.

2008 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Dated: DEC 19 2008  
Richmond, Virginia

/s/  
**Richard L. Williams**  
**United States District Judge**